IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 15614 of 2006(H)

PETITIONER:

P.T.THOMAS, GOVT. CONTRACTOR,
PALASSERIL HOUSE, KALANJOOR P.O.,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:
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1. KERALA WATER AUTHORITY,
REP. BY ITS MANAGING DIRECTOR,
JALABHAVAN, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER, KERALA WATER
AUTHORITY, THIRUVANANTHAPURAM.

3. THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, P.H.CIRCLE,
KOLLAM.

4. THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, P.H.DIVISION,
KOLLAM.

5. THE EXECUTIVE ENGINEER,
WATER SUPPLY DIVISION, KERALA WATER AUTHORITY,
ADOOR.

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,
ADV. SRI.M.DINESH, SC, KWA
ADV. SRI.BABU VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.15614 of 2006

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Dated this the 5th day of February, 2007.

JUDGMENT

Petitioner carried out certain civil works for the first respondent, Kerala Water Authority and he was paid the amounts for such work. It later on occurred that while the Comptroller and Auditor General of India looked into the accounts of the first respondent, it was noticed that there was overpayment to the first respondent. Following that, Ext.P6 was issued to the petitioner intimating that there was overpayment of Rs.5.81 lac. Petitioner addressed Ext.P7 calling upon the fifth respondent to furnish the details of the claim. According to the petitioner, he was not given any reply except Ext.P8(a) whereby the fourth respondent has intimated that the said liability will be deducted from the bill amounts due to the petitioner for the works that he is currently carrying out. He, however, has produced Ext.P8, stated to be from the Superintending Engineer to the Executive Engineer, Kerala Water Authority, P.H.Circle, Kollam in second

paragraph whereof details as to how the amounts have been arrived at are shown. In the writ petition, the petitioner takes the only stand that he was not heard. He has not placed any defence to the contents of Ext.P8 though he chose to produce Ext.P8. In the circumstances, it is directed that, the petitioner, having made Ext.P9 to different respondents, the second respondent, the Chief Engineer, Kerala Water Authority will take up Ext.P9 and afford the petitioner an opportunity of being heard and take a final decision on the matter in the light of whatever material is put against the petitioner with prior notice to him. Let that be done within a period of one month from the date of receipt of a copy of this judgment.

Writ Petition is disposed of in the above terms.

Thottathil B.Radhakrishnan,
Judge.

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